

# California Regional Water Quality Control Board

## Los Angeles Region

---

**Winston H. Hickox**  
*Secretary for  
Environmental  
Protection*

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640  
Internet Address: <http://www.swrcb.ca.gov/~rwqcb4>

**Gray Davis**  
*Governor*

### Los Angeles Regional Water Quality Control Board

#### Minutes of the November 9, 2000 Regular Board Meeting

Richard H. Chambers, U.S. Court of Appeals  
125 S. Grand Avenue, Pasadena, California

#### INTRODUCTION

1. The meeting was called to order by Chairman Nahai at 9:12 a.m.

#### Board Members Present

Susan Cloke, Jack Coe, Marilyn Lyon, Timothy Shaheen, Robert Miller, Francine Diamond,  
H. David Nahai

#### Board Members Absent

None.

#### Staff Present

Dennis Dickerson, Jorge Leon, Marleigh Wood, Dennis Dasker, Deborah Smith, Wendy Phillips,  
Arthur Heath, Hugh Marley, Jack Price, Winnie Jesena, Blythe Ponek-Bacharowski, Ronji Harris,  
Laura Gallardo, Rodney Nelson, Dixon Oriola, Morton Price, Jonathan Bishop, Rick Vergets, Mark  
Pumford, David Bacharowski, Thizar Williams, Cassandra Owens, Paula Rassmussen, Jaydeb  
Das, Rebecca Nevarez, Augustine Anijelo, David Hung

#### Others Present

Mark Gold, Heal the Bay  
Dan Arrighi, San Gabriel Water Company  
Tom Jackson, Equilon Enterprises  
Jane Bray, Consultant  
Loren Montgomery, Latham & Watkins  
Joan House, Mayor, City of Malibu  
Jeff Bouse, L.A. County DPW  
Martha Sharp, Esq., Loeb & Loeb LLP  
John Terauskis, WGR Southwest, Inc.  
Hu Yi, L.A. County DPW  
Jason Lee, Ultramar  
Robyn Stuber, USEPA  
**Pledge of Allegiance.**

Steve Fleischli, Santa Monica Baykeeper  
Jim Colbaugh, Las Virgenes Municipal  
Water District  
Gene Lucero, Latham & Watkins  
G. Greg Aftergood, Attorney  
Brian Hooper, L.A. County DPW  
Dean Isaacson, Chateau De Ville LLC  
Jacqy Gamble, LVMWD  
Hazel Scotto, League of Womens Voters  
Peter Nyquist, Azusa Land Reclamation  
Tim Piasky, BIA/SC  
Keith Lehto, L.A. County DPW

---

#### *California Environmental Protection Agency*

*Recycled Paper*

*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

1. Roll Call.

*A roll call was taken.*

2. Order of Agenda.

*The Executive Officer, Dennis Dickerson recommended the following changes to the Agenda.*

- *Remove Item 7.1, Tosco Refining Company*
- *Remove Item 7.2, Tosco Refining Company*
- *Remove Item 7.3, Exxon Mobil Corporation, Los Angeles Refinery*
- *Remove Item 7.4, Exxon Mobil Corporation, Torrance Refinery*
- *Remove Item 7.6, Southern California Edison Company*
- *Items 7.7 and 8.2, Los Angeles county Malibu Mesa Wastewater Reclamation Facilities be heard concurrently.*

MOTION: By Ms. Lyon, seconded by Ms. Ms. Diamond, and approved on a voice vote.

3. Approval of Regular Meeting Minutes of October 12, 2000.

MOTION: By Ms. Diamond, seconded by Ms. Cloke, and approved on a voice vote.

4. Board Member ExParte Communication Disclosure.

Boardmember Cloke received a call from the Supervisors Office.

Chairman Nahai received a call from a representative of one of the dischargers.

5. Public Forum.

Jim Colbaugh, Las Virgenes Municipal Water District gave an update to the Board on the status of the pre-avoidance study.

Steve Fleischli, Santa Monica Baykeeper gave the Board an update on the status of the NRDC/Baykeeper case. He indicated that the case had been dismissed.

*There were questions by Ms. Cloke.*

## WASTE DISCHARGE REQUIREMENTS

7. Consideration of NPDES Permit Requirements.

- 7.5 Mark Pumford gave the staff presentation. He presented a brief background history, and a summary of the changes in the proposed permit. He indicated that more stringent limitations for metals were added, and that the permit will keep the limitations for chronic toxicity.

Deborah Smith, Assistance Executive Officer, made comments on the change sheet. She gave reference to the emergency short-term basis terminology, phosphates, and acute toxicity.

There were several questions asked by the Board members, and Chairman Nahai regarding the proposed permit.

Jorge Leon, Staff Counsel responded to legal questions posed by Chairman Nahai.

Tom Jackson, Equilon Enterprises, Carson discussed the modification of the facility, and the systems storm water capabilities. He referred to a letter dated July 10, 2000 that requested extermination of the current permit, and stated that there are no operational functions at the facility that warrant an individual permit. Mr. Jackson stated that Equilon cannot guarantee that there would be no discharges (i.e. acts of God).

Mark Gold, Heal the Bay, stated that his concerns are on the issue of volume. He stated that Dominguez Channel is 303d listed and impaired for phosphate constituents.

Steve Fleischli, Santa Monica Baykeeper commended Board staff for their work on the permit. Mr. Fleischli believes that "consistency" is an issue, and there is a need for water quality based effluent limits in this permit. Mr. Fleischli stated that CTR should be at least the minimum limit to go into the permit. The other issue Mr. Fleischli addressed was COD. He does not believe that an individual permit is warranted for this facility. He recommends that the Board adopt the permit, and that the volume issue be addressed in the permit.

*After much discussion by the Board, there was a motion to adopt the proposed permit with changes as follows:*

- *The maximum permitted storm water discharge be changed from 11 million gallons per day (MGD) to 4 MGD;*
- *The effluent limits for polynuclear aromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs) have been included in accordance with California Toxics Rule;*
- *The effluent limit for pH has been changed from 6.0-9.0 to 6.5 – 8.5 units; and,*
- *The minimum frequency of analysis for acute toxicity has been changed to once per discharge.*

**MOTION:** By Chairman Nahai, seconded by Ms. Cloke, and approved on a voice vote.

- 7.7 Los Angeles County Department of Public Works and Pepperdine University (Malibu Mesa Wastewater Reclamation Facility)

8.2 Los Angeles County Department of Public Works and Pepperdine University (Malibu Mesa Wastewater Reclamation Facility)

Mark Pumford gave the staff presentation. He gave the Board a summary and historical background of the existing permits that were adopted by the Board on April 14, 1994. He expressed that areas of concern at the facility are the storage ponds, and areas of infiltration. Staff recommendation is that the Board adopt the proposed permits.

There was discussion between the Board and staff to clarify what constitutes an emergency condition, and a rare event.

Winnie Jesena, Board staff responded to the Boards questions.

Tom Jackson, Equilon Enterprises LLC, gave testimony to the Board. He gave an overview of the plant and it's water use. Mr. Jackson stated that the overall goal is to avoid discharges and to ensure that any discharges that are made are on an emergency nature only. He requested that staff revise the permit.

The Board recessed for lunch at 12:45.

The Board reconvened at 2:03.

Jeff Bouse, Los Angeles County Department of Public Works replied to questions by the Board pertaining to the water reclamation requirements. He clarified that part of Tapias effluent flows to Pepperdine, and that Las Virgenes will only accept runoff in an emergency situation only.

Mark Gold, Heal the Bay, commended Board staff for their efforts on the permit. He requested staff eliminate a clause in the permit "including recycled water from Tapia", (page 8.2-34).

Steve Fleischli, Santa Monica Baykeeper stated that a substantial amount of progress has been made with the permit, with the exception of the frequency of discharges. He also believes that the nutrients in nitrates, and the nitrate limit in the staff report is an issue that should be looked at more closely.

Others who gave testimony on this matter:

Joan House, Mayor, City of Malibu

Brian Hooper, Los Angeles County Department of Public Works

Greg Aftergood, Counsel, City of Malibu

After some discussion by the Board, there was a motion to adopt the permits with changes subject to change sheet as follows:

- Page 7.7-88D, Paragraph 2.a, second line the word "data" be changed to "program", and in the fifth line, the words, "the soil" be changed to de-vegetation
- Page 7.7-61, Sub-paragraph 1, produce a report to as to how requirement will be achieved.
- Page 8.2-34, Sub-paragraph F , delete the last clause beginning with the word "included"

- Re-opener "Dischargers shall be limited to 10 days per year unless authorized in writing by the Executive Officer, upon demonstration of necessity under emergency conditions, in a year, the number of days, and the volume of discharge.

MOTION: By Chairman Nahai, seconded by Ms. Diamond, and approved on a voice vote.

7.8 Los Angeles County Metropolitan Transportation Authority

7.9 Metropolitan Transportation Authority Construction

The staff presentation was waived.

Prior to the motion, Ms. Cloke asked staff for clarification on couple of issues.

Staff responded to Ms. Cloke.

There was a motion to adopt the proposed permits.

MOTION : By Ms. Diamond, seconded by Ms. Lyon, and approved on a voice vote.

The Board recessed at 4:00 p.m.

Robert Miller left the meeting at 4:00 p.m.

The Board reconvened at 4:15 p.m.

### 8.3 Chateau de Ville LLC, De Ville Way Condominiums

Wendy Phillips informed the Board that WDR 90-167 should have been rescinded, because it was a weak permit with no effluent limits and no maintenance requirements. She also confirmed that the package plant is on schedule, and referred to pages 8.3-16, 8.3-17, and 8.3-23 which states that the City will not hold up building permits if the Board rescinds WDRs. Staff recommends that the Board adopt the amendment to the WDR with changes on the change sheet.

Dean Isaacson, Chateau de Ville LLC, informed the Board that upgrading needed to be completed before the City will issue a building permit. Mr. Isaacson stated that he needed to get a dry sewer installed in order to get the building completed. Chateau objects to the rescission of Order No. 90-167 prior to completion of improvements at the Plant. Mr. Isaacson urged the Board to approve the permit, indicating that he would never use the permit for the septic system, but stated that he wanted it for legal reasons.

Board member Diamond asked for clarification of a letter dated 9/18/00, page 8.13-18, Paragraph 3 which stated that the plant is not on schedule.

Martha Sharp, Esq., Loeb & Loeb LLP, gave testimony on behalf of Chateau de Ville. She asked the Board to "streamline" the process for Chateau de Ville. She recommends that the

Board adopt the amendment to the Order, and indicated that denial will be a substantial hardship for her client.

Jorge Leon, staff counsel, answered the legal questions asked by the Board.

After much discussion by the Board, there was a motion to adopt the original Order with amendments as follows:

- Order No. 90-167 to be rescinded, effective upon the earlier of September 30, 2001, or the date the Malibu Water Pollution Control Plant becomes operational or available to process wastes from De Ville Way Condominiums. (The word hook up was deleted and replaced by the "or the date the Malibu Pollution Control Plant...)
- In the event that Chateau De Ville LLC proposes to discharge domestic wastes prior to the rescission date as specified, Chateau De Ville shall comply with the requirements specified, prior to commencement of the proposed discharge.

MOTION: By Chairman Nahai, seconded by Ms. Diamond, and approved on a voice vote.

Chairman Nahai left the meeting at 5:42 p.m.

9. Consideration of Cleanup and Abatement Order (CAO) No. 99-119, issued by the Executive Officer to Azusa Land Reclamation Company.

Rodney Nelson gave the staff presentation. He indicated that an error was made, and that the letter was submitted without signature. Nelson gave background information to the Board on Azusa Land Reclamation Company, and recommended a change to Page 9-26, from with the words "ALR does believe" to "ALR does not believe". Staff recommends the Board affirm the July 23, 2000 CAO No. 99-119 (as revised July 27, 2000).

Peter Nyquist, Weston Benshoof stated the reasons he believes the order is improper. He asked the Board to rescind Order 99-119, and continue oversight of ALR's ongoing corrective action plan.

Dan Arrighi, San Gabriel Valley Water Company, asked the Board to affirm the CAO. He stated that the other 8 entities in San Gabriel Valley have been issued CAO's, and sees no reason why Azusa Land Reclamation Company should be exempt.

Jorge Leon, staff counsel, gave legal, supportive confirmation to the Board regarding the Order.

Arthur Heath, Board staff stated that the previous CAO 95-122 deals specifically with the landfill, and the requirements do not deal with the superfund program. He requested that ALR give the Board duplicates of the monitoring reports.

After some discussion, there was a motion to affirm the July 23, 2000 revised CAO.

MOTION: By Ms. Diamond, seconded by Ms. Cloke, and approved on a voice vote.

December 7, 2000

Regular Board Meeting

10. Adjournment of current meeting.

Minutes adopted at the \_\_\_\_\_ Regular Board Meeting submitted/amended.

Written and submitted by: \_\_\_\_\_.

***California Environmental Protection Agency***

*Recycled Paper*

*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*